



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of Lee) Primary Examiner: not assigned
)
) Group Art Unit: 3743
Serial No. 10/039,578)
) Atty Docket No.: 01-10-1769
Filed: 10/26/2001)
)
Title: Safety apparatus of piezoelectric)
lighter)
_____)

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AUG 22 2002

OFFICE OF PETITIONS

DECLARATION OF LEE FREDRIC SHARRA IN SUPPORT OF ASSIGNEE'S
PETITION PURSUANT TO 37 CFR § 1.172 AND 37 CFR § 1.47

I, LEE FREDRIC SHARRA, do hereby declare:

1. I am a patent attorney (Reg. No. 43,108) and represent Calico Brands, Inc. for U.S. Serial No. 10/039,578 (REI of 08/881,964 06/05/1997 Patent No. 5,971,751).

2. Thomas Ping Hua Lee, the inventor of US Patent No. 5,971,751, assigned his rights in the patent application of '751 Patent to Chun Ching Yeh, this assignment was recorded in the United States Patent Office as Reel/Frame No.: 010292/0240 and is made of record on the cover page of the issued patent. (Exhibit 1)

3. On September 10, 1999, Chun Ching Yeh, Assignee of US Patent No. 5,971,751, then assigned all rights and interests in the property to Calico Brands, Inc. This assignment was recorded with the United States Patent and Trademark Office on September 17, 1999 and is recorded in Reel/Frame No.: 010246/0486. (Exhibit 2)

4. On October 26, 2001, the Assignees, Calico Brands, Inc. filed a reissue application for United States Patent No. 5,971,751 (Issued: 10/26/1999). The reissue

application did not include the Reissue Declaration by the Inventor as the inventor could not be located. On March 19, 2002, the Patent Office mailed a Notice to File Missing Parts of Reissue Application, which stated that the oath or declaration is missing.

5. In July 2002, I spoke with Mr. Felix Hon, President of Calico Brands, Inc. and Mr. K.Y. Sung Intellectual Property Manager of Calico Brands, Inc. Both advised me that Calico Brands had tried to contact Mr. Lee and failed, furthermore, they were unaware of a phone number for Mr. Lee or any other address for other than 128 Brent Circle, Industry, CA 91789.

6. I personally performed searches in order to locate Mr. Thomas Ping Hua Lee. I contacted directory assistance in an effort to locate the telephone number of Mr. Lee. Directory assistance did not have a telephone number listed for any variant of Mr. Lee's name in Industry California or Walnut California at the identified street or address. I further conducted several telephone database searches including at Switchboard.com, ATT.com and SBC Ameritech's Smartpages.com. I have been unable to locate a telephone number to contact Mr. Lee.

7. Mr. Hon informed me that there have been several attempts at contacting Mr. Lee via the United States Postal Service by sending a copy of the Reissue Application with the declaration to Mr. Lee. On July 26, 2002, I sent a letter by way of Certified Mail addressed to Mr. Thomas Ping Hua Lee at his last known address, 128 Brent Circle, Industry, CA 91789. The letter requested that Mr. Lee review the Reissue Application and sign the reissue application declaration by the inventor enclosed in the letter. Also

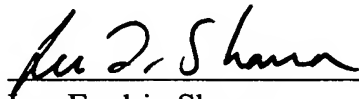
included was a self-addressed stamped envelope to send back the copy of the reissue application declaration by the inventor. (Exhibit 3)

8. On August 1, 2002, I inquired to see whether the letter had been delivered. According to United States Postal Service Shipping Center Track & Confirm website, on July 29, 2002, the certified letter, certified mail receipt number 7001 1940 0000 6726 2780, was delivered to the appropriate address. (Exhibit 4)

9. We have waited more than two weeks since the letter was delivered to receive a response from our July 26, 2002 letter. Since its mailing, we have not received any response, despite the confirmation that the letter has been delivered by the US Postal Service. We are unable to contact the Inventor because the inventor's phone number is unlisted. Accordingly the inventor, Thomas Ping Hua Lee is unavailable or unwilling to respond and provide his signature for the Reissue Declaration.

I hereby declare that all statements made herein are of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, pursuant to 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the patent application and any United States Patent issued thereon.

Executed on August 19, 2002 at Beverly Hills, CA.



Lee Fredric Sharra
Reg. No. 43,108